

REMARKS

The specification is amended to provide a new title of the invention as requested by the Examiner at page 2 of the Office Action. This amendment is supported in the specification and does not add new matter. The new title is believed to be descriptive of the claimed invention.

Claim 1 is amended to specify that the packaged detergent composition has only one solid and that the one solid is floating on the outer surface of the liquid. To that end, the phrase "at least" prior to the first recital to one solid is removed and at line 6 of the claim the word "the" is inserted prior to the recurring recital to the one solid in the packaged detergent composition. Corresponding amendments are also made to claim 15. These amendments are supported throughout the specification and do not add new matter.

Claim 6 is amended to remove recital to "the material" and, as such, recites that the container is essentially water-soluble. Claim 7 is also amended to remove the word "material" such that the claim recites that the container comprises polyvinyl alcohol. These amendments to claims 6 and 7 are supported in the specification and do not add new matter.

At pages 2-3 of the Office Action, the Examiner rejects claims 6 and 7 under 35 U.S.C. § 112 (second paragraph) as failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner asserts that claim 6 lacks support for "the material" with respect to claim 1 and that claim 7 lacks support for "the water-soluble material" with respect to claim 5. Claims 6 and 7 are amended to remove recital to these materials and antecedent

basis exists in claims 1 and 5 for the container. As amended, claims 6 and 7 are believed to be in compliance with the requirements of 35 U.S.C. § 112 (second paragraph).

At pages 3-4 of the Office Action, the Examiner rejects claims 1 and 3-8 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,492,312 to Pfeiffer, *et al.* ("Pfeiffer"), or in the alternative under 35 U.S.C. § 103(a) as being obvious over Pfeiffer. Reconsideration and withdrawal of these rejections are respectfully requested.

The Examiner asserts that Pfeiffer teaches a water soluble sachet comprising a detergent composition having discrete particles that enhance cleaning in a dishwashing machine wherein the composition is a gel which comprises discrete particles having an approximate diameter from about 100 microns to about 5,000 microns and a viscosity from about 100 cps to about 45,000 cps. The Examiner further argues that the discrete particles may be encapsulated bleach which inherently has a density lower than the density of the composition and at least one solid should float on the outer surface of the liquid. The Examiner further asserts that Pfeiffer discloses that suitable materials for the water soluble sachet include polyvinyl alcohol ("PVOH"). Finally, the Examiner argues that the dishwashing composition of Pfeiffer should inherently have a dispersion/dissolution time as recited in the claims considering the same liquid is purportedly utilized. On this basis, the Examiner concludes that Pfeiffer anticipates present invention. The Examiner further states that even if Pfeiffer does not anticipate, it would have been obvious for one skilled in the art at the time the invention was made to reasonably expect the discrete particles such as the encapsulated bleach to have a density lower than the density of the dishwashing composition and at least one of the

encapsulated bleach particles to float on the outer surface of the liquid considering that the particles are discrete and would have dispersed/suspended/floated in the composition.

In response to the arguments previously presented by the applicants with respect to Pfeiffer, as discussed at pages 7-8 of the Office Action, the Examiner asserts that the claims, as previously amended, required one solid floating on the outer surface of at least one liquid and considering that the reference discloses particles distributed throughout the liquid, at least one solid should inherently be floating on the surface of the liquid. With respect to obviousness, the Examiner states that one skilled in the art would have reasonably expected at least one of the wax-encapsulated bleach particles of Pfeiffer to float on top of the liquid composition.

The present invention is not anticipated by Pfeiffer. The essence of the disclosure of Pfeiffer as understood by one skilled in the art is a composition with many small particles distributed throughout the liquid. For example, Pfeiffer discusses at column 9, lines 11-15 discrete particles that enhance cleaning in a dishwashing machine having certain diameters and at column 11, lines 28-36 discrete particle enzymes. The present invention, however, concerns a composition having a single solid which solid floats on outer surface of the liquid in the composition. Certainly, the disclosure of Pfeiffer of particles distributed throughout the liquid does not expressly disclose a detergent composition having only one solid particle which floats on the outer surface of the liquid. Moreover, because Pfeiffer discloses particles distributed throughout its liquid, this patent cannot inherently disclose a detergent composition with one particle floating at the outer surface of the liquid, even, assuming for argument only, that it would be inherent to have

one of the many particles of Pfeiffer floating on the surface. Thus, the present invention, as set forth in the amended claims, is not anticipated by Pfeiffer.

Also, the present invention is not obvious over Pfeiffer. The state of the art based on Pfeiffer is, as discussed above, a composition with many small particles distributed throughout the liquid. Pfeiffer did not, at the time of the invention, raise the level of the skill of the art to detergent compositions having liquid with only one solid particle with that solid particle floating on the outer surface of the liquid as in the present invention.

There are significant differences between a composition, such as Pfeiffer, having particles distributed throughout the liquid and that of the present invention having one solid floating on outer surface of the liquid. For example, as discussed in the specification, when a composition comprises a viscous liquid with solid within the liquid it takes time for the liquid to dissolve or diffuse after the water-soluble material dissolves and this delayed dissolution hinders the release of the solid which is particularly disadvantageous if the solid is intended for fast dissolution in the wash liquor. (See, specification at page 2, line 29 to page 3, line 25 (¶¶ 0006-0007 in the published application US 2005/0153861.)) As further discussed in the specification, one way to avoid the hindrance of the solid release is adjusting the density of the solid to less than the density of the liquid so that the solid floats on outer surface of the liquid. (See, specification at page 6, line 16 to page 7, line 6 (¶ 0022 in the published application US 2005/0153861.)) Indeed the examples in the specification demonstrate the advancement to the art provided by the present invention when a solid in a package has lower density than one having a higher density in that the lower density solid is released in 2 minutes but it takes 4.5 minutes for a higher density solid to release in the wash liquor. (See,

specification at page 27, line 12 to page 29, line 12 (¶¶ 0099-0107 in the published application US 2005/0153861.))

The situation in Pfeiffer having particles distributed throughout the liquid is the same as that discussed in the specification which results in delayed release of the solid, however, as addressed in the specification the present invention having one solid on the outer surface of the liquid is significantly different in that it alleviates the hindrance of solid release that characterizes compositions like those of Pfeiffer. As such, based on these significant differences between the level of art established by Pfeiffer and the present invention, as set forth in the amended claims, the present invention is not obvious over Pfeiffer.

Moreover, a packaged detergent composition having one solid floating on the outer surface of the liquid would not have been predictable based on the disclosure of Pfeiffer. As discussed above, because the solid particles of Pfeiffer are distributed within the liquid the composition of Pfeiffer would experience the delayed release of the solid. There is no indication within Pfeiffer that the release of the solid particles disclosed therein can be affected by the density of the solid and the location of the solid particles within the liquid. Thus, based on this disclosure of Pfeiffer, one skilled in the art, at the time of the invention, could not predict that including one solid in the liquid composition with a density such that it floats on the outer surface of the liquid would favorably decrease the release time of the solid into the wash liquor. The examples mentioned above demonstrate this. The claims have been amended to recite that the packaged detergent composition has only one solid which floats on the outer surface of the liquid.

Hence, the present invention, as set forth in the amended claims, is not obvious over Pfeiffer.

At page 4 of the Office Action, the Examiner rejects claim 9 under 35 U.S.C. § 103(a) as obvious over Pfeiffer in view of WO 01/60966 to Dasque *et al.* ("Dasque"). Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner cites to Pfeiffer for the reasons stated above but acknowledges that Pfeiffer does not disclose the composition for use in a dishwashing machine. The Examiner, however, refers to Dasque for the alleged teaching that a detergent composition in a water soluble pouch with similar ingredients is prepared as laundry or dishwashing composition and thus useful in laundry or dishwashing machines. On this basis, the Examiner concludes that the embodiment of claim 9 is obvious over Pfeiffer in view of Dasque.

Claim 9 is dependent from claim 1 in that it applies the detergent composition of claim 1 in a method for washing laundry. As discussed above, the detergent composition of claim 1 having one solid which solid floats on the outer surface of the liquid and resolves the problem in the art related to delayed release of solids from a liquid in the wash liquor is not obvious over Pfeiffer. As such, a method of washing laundry recited in claim 9 comprising the steps of providing this novel and unique detergent composition and releasing the detergent composition in a laundry washing machine is not obvious over Pfeiffer in view of Dasque.

At page 5 of the Office Action the Examiner rejects claims 1, 3-9 and 15 under 35 U.S.C. § 102(e) as anticipated by WO 02/057402 to Becks, *et al.* ("Becks"). Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner asserts that Becks teaches a liquid composition comprising a transparent or translucent liquid and solid particles contained within the liquid medium wherein the composition is contained within a pouch made from transparent or translucent water-soluble material such that the individual solid particles are visible from the outside of the pouch with the solid particles having a mean geometric diameter of between 0.5 mm and 12 mm. The Examiner further states that an advantage of the invention of Becks is that the solid particles do not necessarily need to be stably suspended in the liquid medium but that they may sink or float in the liquid medium. Also, the Examiner asserts that the liquid composition can be controlled such that the composition should inherently have the same dissolution time as recited in the claims because the same components have allegedly been utilized. Finally, the Examiner states that the composition of Becks are disclosed as typically laundry or dishwashing compositions and refers to example 2b of Becks as purportedly teaching a composition having one 10 mm sphere/capsule. On this basis, the Examiner asserts that the present invention is anticipated by Becks.

The claims have been amended to recite that the detergent composition comprises one solid. The claims further require that the one solid floats on the outer surface of the liquid. Becks when read as a whole discloses compositions comprising suspended particles and not one particle floating on the outer surface of the liquid as in the present invention. Regarding the example mentioned by the Examiner, the particle addressed therein is said to float in the detergent in the pouch and not on a surface of the liquid. Thus, Becks does not to one skilled in the art, expressly or inherently disclose a detergent composition having one particle floating on the outer surface of at least one liquid as

necessary in the amended claims. Considering that Becks does not expressly or inherently disclose a packaged detergent composition having one solid wherein the one solid floats on the top surface of the liquid as required under the amended claims, the present invention is not anticipated by Becks.

Moreover, the present invention is not obvious over Becks. As discussed above, Becks concerns suspended particles in a liquid, even one floating in the liquid. This reference, however, does not establish a level in the art of a detergent composition within a water soluble pouch having one single solid particle floating at the top surface of the liquid. As discussed above with respect to Pfeiffer, the one solid floating at the top surface of the liquid allows for rapid release of the solid thus alleviating a drawback associated with particles within the liquid, such as suspended particles or a particle floating in a liquid. Thus, there are significant differences between the level of the art established by Becks and the present invention as set forth in the amended claims such that the present invention would not have been obvious to one skilled in the art.

At page 6 of the Office Action, the Examiner provisionally rejects claim 1 under the doctrine of obviousness type double patenting as being unpatentable over claims 1 and 6 of co-pending application Ser. No. 10/505,624. Due to the provisional nature of this rejection, it is premature for the applicants to submit a terminal disclaimer. The applicants shall submit any appropriate terminal disclaimer at the appropriate time if necessary at the conclusion of prosecution of this application.

At pages 7-8 of the Office Action, the Examiner responds to the arguments submitted by the applicants in the June 4, 2007 paper. Considering the claim

amendments and arguments set forth herein which, in part, comment on the Examiner's remarks, no further comment by the applicants should be necessary.

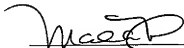
CONCLUSION

The instant application is believed to be in condition for allowance. A Notice of Allowance of Claims 1, 3-9 and 15 is respectfully requested. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of the instant application.

If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge any required petition fee to the Deposit Account No. 14-1263.

Please charge any insufficiency of fees, or credit any excess, to the Deposit Account No. 14-1263.

Respectfully submitted,



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September 27, 2007

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